



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re J. Ezra Merkin and BDO Seidman
Securities Litigation,

Case No. 08 Civ. 10922 (DAB)

NOTICE OF APPEAL

Notice is hereby given that all plaintiffs in the above-captioned case appeal to the United States Court of Appeals for the Second Circuit from the Judgment entered in this action on September 27, 2011 and the Order entered September 23, 2011 granting defendants' motions to dismiss and dismissing Plaintiffs' Third Consolidated Amended Class Action Complaint in its entirety with prejudice.

Dated: October 27, 2011

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Court Name: District Court
Division: 1
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